

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
METROPOLITAN TELECOMMUNICATIONS )  
OF HAWAII, INC. )  
For a Certificate of Authority )  
To Provide Competitive )  
Telecommunication Services Pursuant )  
To HAR § 6-80-17. )  
\_\_\_\_\_ )

DOCKET NO. 05-0121

DECISION AND ORDER NO. 22005

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2005 SEP -6 A 8:24

RECEIVED

Filed Sept. 2, 2005  
At 1 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
METROPOLITAN TELECOMMUNICATIONS )  
OF HAWAII, INC. )  
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\_\_\_\_\_ )

Docket No. 05-0121  
Decision and Order No. 22005

DECISION AND ORDER

By this Decision and Order, the commission grants METROPOLITAN TELECOMMUNICATIONS OF HAWAII, INC. ("Applicant") a certificate of authority ("COA") to provide intrastate telecommunications services within the State of Hawaii ("State") as a facilities-based carrier and reseller, subject to certain regulatory conditions, as further described herein.

I.

Introduction

Applicant requests a COA to operate as a facilities-based carrier and reseller of telecommunications services within the State.<sup>1</sup> Applicant makes its request pursuant to Hawaii Administrative Rules ("HAR") § 6-80-17.

Applicant served a copy of the Application to the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). On June 21, 2005, the

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<sup>1</sup>Applicant's Application, filed on May 23, 2005 ("Application").

Consumer Advocate filed its Statement of Position indicating that it does not object to the commission's approval of Applicant's Application, subject to certain recommendations.<sup>2</sup>

## II.

### Description of Applicant and its Proposed Services

Applicant is a Delaware corporation authorized to do business in the State as a foreign corporation. Its principal place of business is in New York, New York.

Applicant intends to provide resold intrastate telecommunications services within the State as a facilities-based carrier and reseller. Initially, Applicant proposes to offer resold intrastate telecommunications services, and local exchange services utilizing unbundled network elements purchased from other facilities-based providers. Applicant represents that although it has no current plans to install equipment for the provision of local exchange services, it may do so in the future if customer demand warrants such installation.

## III.

### COA and Proposed Tariff

Upon review of the Application, the commission makes the following findings pursuant to HAR § 6-80-18(a):

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<sup>2</sup>On August 18, 2005, Applicant submitted updated financial statements pursuant to the commission's August 8, 2005 directive. Thus, Applicant appears to have satisfactorily met the requirements of HAR § 6-80-17(c) (1) (E), and we deem the Consumer Advocate's recommendation in its June 21, 2005 Statement of Position that the commission require Applicant to file current financial statements to be moot.

1. Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the proposed services;

2. Applicant is fit, willing, and able to properly perform the telecommunications services and to conform to the terms, conditions, and rules prescribed or adopted by the commission; and

3. Applicant's proposed telecommunications services are in the public interest.

Accordingly, the commission concludes that Applicant should be granted a COA to provide intrastate telecommunications services as a facilities-based carrier and reseller.

#### IV.

#### Orders

##### THE COMMISSION ORDERS:

1. Applicant is granted a COA to provide intrastate telecommunications services in the State as a facilities-based carrier and reseller.

2. As the holder of a COA, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-79, 6-80 and 6-81, any other applicable State laws and commission rules, and any orders that the commission may issue from time to time.

3. Applicant shall file its tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Applicant's tariffs shall comply with the provisions of HAR chapter 6-80. In the event of

a conflict between any tariff provision and State law, State law shall prevail.

4. Applicant shall conform its initial tariff to the applicable provisions of HAR chapter 6-80. An original and eight (8) copies of the initial tariff shall be filed with the commission, and two (2) additional copies shall be served on the Consumer Advocate. Applicant shall ensure that the appropriate issued and effective dates are reflected in its tariffs.

5. Within thirty (30) days from the date of this Decision and Order, Applicant shall pay a public utility fee of \$60, pursuant to Hawaii Revised Statutes § 269-30. The business check shall be made payable to the Hawaii Public Utilities Commission, and sent to the commission's office at 465 S. King Street #103, Honolulu, HI, 96813.

6. Within thirty (30) days from the date of this Decision and Order, Applicant shall also pay a telecommunications relay service ("TRS") contribution of \$10.00, established pursuant to: (A) Act 50, adopted on May 7, 2003 (codified at HRS § 269-16.6); and (B) Order No. 21847, filed on May 31, 2005, in Docket No. 05-0088. (A copy of Order No. 21847 is attached hereto as Exhibit 1.) The business check shall be made payable to "Hawaii TRS", and sent to the Hawaii TRS Administrator, NECA Services, Inc., 80 S. Jefferson Road, Whippany, NJ 07981. Written proof of payment shall be sent to the commission.

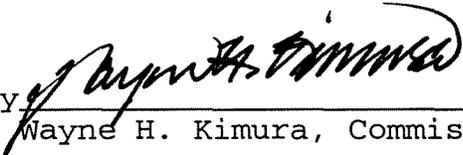
7. Failure to promptly comply with the requirements set forth in paragraphs 3 to 6, above, may constitute cause to

void this Decision and Order, and may result in further regulatory action, as authorized by law.

DONE at Honolulu, Hawaii SEP - 2 2005.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

05-0121.eh

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting an Investigation )  
into the Carrier Contribution )  
Factor and Telecommunications )  
Relay Services Fund Size for )  
the period of July 1, 2005 )  
through June 30, 2006. )  
\_\_\_\_\_ )

DOCKET NO. 05-0088

DECISION AND ORDER NO. 21847

Filed May 31, 2005  
At 10 o'clock A .M.

Karen Higuel  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
PUBLIC UTILITIES COMMISSION )  
Instituting an Investigation )  
into the Carrier Contribution )  
Factor and Telecommunications )  
Relay Services Fund Size for )  
the period of July 1, 2005 )  
through June 30, 2006. )  
\_\_\_\_\_ )

Docket No. 05-0088  
Decision and Order No. 21847

DECISION AND ORDER

By this Order, the commission: establishes the Telecommunications Relay Services ("TRS") carrier contribution factor for the period July 1, 2005 to June 30, 2006 (the "Period"), at 0.0010, and establishes the projected TRS fund size for the Period, at approximately \$680,000.

I.

Background

By Order No. 21730, filed on April 12, 2005, ("Order No. 21370") the commission initiated the instant proceeding to examine whether to modify the TRS carrier contribution factor and fund size for the Period, established in accordance with Order No. 20193, filed on May 23, 2003, in

Docket No. 03-0058 ("Order No. 20193").<sup>1</sup> Specifically, in Order No. 21370, the commission proposed to continue the existing carrier contribution factor of .0010, established by Order No. 21049, filed on April 15, 2004, in Docket No. 04-0070. The commission also proposed to keep the projected TRS fund size, for the Period, at approximately \$680,000.

The commission served copies of Order No. 21730 on The Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate") and Sprint, the parties to this proceeding, and mailed copies of Order No. 21730 to all chartered, certificated and registered telecommunications carriers, except payphone providers, at their mailing addresses on file with the commission to solicit written comments. Written comments to the proposals were accepted until May 6, 2005. As of the date of this Order, no written comments were filed with the commission on any of the commission's proposals.

## II.

### Background

On May 23, 2003, the commission issued Order No. 20193, in Docket No. 03-0058 which, among other things, ordered: (1) every telecommunications carrier providing intrastate telecommunications service in the State of Hawaii to contract

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<sup>1</sup>In Docket No. 03-0058, the commission selected SPRINT COMMUNICATIONS CO., LP ("Sprint") as the exclusive provider of intrastate TRS within the State of Hawaii ("State of Hawaii") from July 1, 2003 to June 30, 2006. See Decision and Order No. 20163, filed on April 30 2003. Order No. 20193, filed on May 23, 2003, in Docket No. 03-0058.

with Sprint for the provision of telecommunications relay service, for the period beginning July 1, 2003 to June 30, 2006; (2) every carrier providing intrastate telecommunications service in Hawaii shall contribute to the TRS fund on the basis of gross operating revenues from the retail provision of intrastate telecommunications services during the preceding calendar year, consistent with the terms of Order No. 20193<sup>2</sup>; (3) contributors' contribution to the TRS fund shall be the product of their gross operating revenue from the retail provision of intrastate telecommunications services during the preceding calendar year, which is subject to investigation by the commission, and a contribution factor determined annually by the commission, consistent with the terms of Order No. 20193; and (4) the annual TRS funding period commences July 1 and ends June 30 of each year.

### III.

#### Discussion

The Commission received no comments or objections to the proposals in Order No. 21730. Upon review, the commission finds the proposals in Order No. 21730 to be reasonable and in the public interest. Accordingly, the carrier contribution factor for the Period shall be 0.0010 and the projected TRS fund size, for the Period shall be established at approximately \$680,000.

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<sup>2</sup>The commission specifically excluded payphone providers from contributing to the TRS fund.

III.

Orders

THE COMMISSION ORDERS:

1. The contribution factor for the Period (July 1, 2005 to June 30, 2006) shall be 0.0010. The projected TRS fund size, for the Period, shall be approximately \$680,000.

2. Each carrier shall complete and submit a TRS Reporting Worksheet, attached to this Order as Exhibit "A".

3. Annual contributions are due July 26<sup>th</sup>; carriers who owe contributions \$1,200 or more may pay in twelve equal monthly installments, due on the 26<sup>th</sup> of each month, provided that they submit their TRS Reporting Worksheet by July 26<sup>th</sup>.

4. Carriers reporting \$10,000 or less in gross intrastate retail revenues shall contribute at least \$10.00 for the period July 1, 2005 to June 30, 2006.

5. Every carrier, except Commercial Mobile Radio Service ("CMRS") providers, shall comply with the 30-day notice requirement of HRS § 269-16(b) and HAR § 6-80-40(b) for any TRS surcharge imposed on its customers, both residential and business, to recover the amount of its contribution. CMRS providers shall place information on their TRS surcharges on their websites, consistent with Decision and Order No. 20890, filed on April 7, 2004, in Docket No. 03-0186.

6. Order No. 20193, filed on May 23, 2003, in Docket No. 03-0058, is amended consistent with the terms and conditions of this decision and order. In all other respects, Order No. 20193 remains unchanged.

DONE at Honolulu, Hawaii MAY 31 2005.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Kevin M. Katsura  
Commission Counsel

05-0088.ah

**State of Hawaii  
Public Utilities Commission  
Telecommunications Relay Services  
Carrier Remittance Worksheet  
For the Period July 1, 20\_\_ - June 30, 20\_\_**

**SECTION A CARRIER IDENTIFICATION**

<b>Date:</b>	
<b>Company Name:</b>	
<b>Mailing Address:</b>	
<b>Email Address:</b>	

**SECTION B REMITTANCE CALCULATION**

<b>1. Gross Revenues (Based on Prior Calendar Year)</b> <small>(e.g., Current year is 20X2; Report revenues from 20X1) (Amount should match gross revenues reported for Hawaii PUC Fee purposes, HRS § 269-30)</small>	
<b>2. Less: Revenue Adjustments</b> <small>(describe, see Section E)</small>	< >
<b>3. Gross Intrastate Retail Revenues</b>	
<b>4. Hawaii TRS Contribution Factor</b>	<b>.001</b>
<b>5. Gross Hawaii TRS Assessment</b> <small>(line 3 x line 4)</small>	
<b>6. Greater of line 5 or \$10.00 (minimum due)</b>	

If Line 6 is less than \$1,200, this is your annual contribution to the TRS Fund for the period beginning July 1<sup>st</sup> of the current year to June 30<sup>th</sup> of the following year. Please pay the amount on line 6, in full, by July 26<sup>th</sup> of the current year. Send your remittance with a copy of this worksheet to the address listed below.

If Line 6 is \$1,200 or more, continue to line 7 below.

**SECTION C MONTHLY CONTRIBUTION**

<b>7. Divide line 6 by 12</b>	
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Line 7 is your first monthly contribution to the TRS Fund, for the period beginning July 1<sup>st</sup> of the current year to June 30<sup>th</sup> of the following year. Send your 1<sup>st</sup> monthly remittance with a copy of this worksheet to the address listed below. Please pay the amount on line 7 by July 26<sup>th</sup>. NECA Services, Inc. will then send you a bill for the remaining eleven monthly payments.

**SECTION D CERTIFICATION**

Under penalties as provided by law, I certify that I am duly authorized to verify the foregoing information contained herein and that the information is true and correct to the best of my knowledge and belief.

Date	Officer Name	Officer Signature	Officer Title
Date	Contact Name	Contact Phone	Contact Title

<p style="text-align: center;"><b>Questions???</b></p> <p><b>Hawaii TRS Administrator</b> NECA Services, Inc. 80 S. Jefferson Road Whippany, NJ 07981 Phone (973) 884-8011 Fax (973) 599-6504</p>	<p style="text-align: center;"><b>Make checks payable to "Hawaii TRS"</b></p> <p style="text-align: center;"><b>and send with worksheet to:</b> Attn: Hawaii TRS Administrator NECA Services, Inc. 80 S. Jefferson Road Whippany, NJ 07981</p>
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**SECTION E**      **DETAILS CONCERNING REVENUE ADJUSTMENT(S)**

If revenue adjustment(s) are not explained here, amounts deducted will be disallowed and proposed assessments may be prepared against you.

Describe amounts deducted from Gross Revenues to obtain Gross Intrastate Retail Revenues (list):	Amount
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
	TOTAL

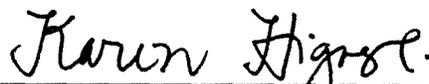
Exhibit "A"

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21847 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

MAGGIE SCHOOLAR  
GOVERNMENT ACCOUNT EXECUTIVE  
SPRINT COMMUNICATIONS  
1321 Rutherford Lane, Suite 120  
Austin, TX 78753

  
\_\_\_\_\_  
Karen Higashi

DATED: MAY 31 2005

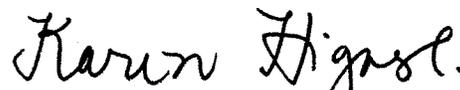
CERTIFICATE OF SERVICE

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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

LANCE J.M. STEINHART, ESQ.  
LANCE J.M. STEINHART, P.C.  
1720 Windward Concourse, Suite 250  
Alpharetta, GA 30005

Attorney for METROPOLITAN TELECOMMUNICATIONS OF HAWAII, INC.

  
\_\_\_\_\_  
Karen Higashi

DATED: SEP - 2 2005